

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

S.W., by her parent and natural guardian, J.W.,
individually and on behalf of all others similarly
situated; A.W., by her parent and natural guardian
A.W., individually and on behalf of all others similarly
situated; J.F. and P. F., by their parent and natural
guardian, A.F., individually and on behalf of all others
similarly situated; L.T., by her parent and natural
guardian, R.T., individually and on behalf of all
others similarly situated,

Civ. Action No. 07 CIV 5708 (WCC.)

ECF CASE

**ORDER TO SHOW CAUSE
FOR PRELIMINARY
INJUNCTIVE RELIEF**

Plaintiffs,

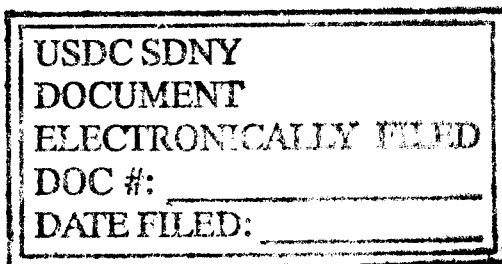
vs.

SHEILA WARREN, sued individually, and as
Director of Early Intervention Services for Orange County,
ORANGE COUNTY DEPARTMENT OF HEALTH,
COUNTY OF ORANGE,

Defendants.

Upon the annexed affidavits of Jason Whateley, Anita Wilson, Michele Thompson,
AnnMarie Flynn, Patricia Flynn, Mary Jo Whateley, Susanna Hatenoer, Elizabeth Colon,
Pamela Williams DiPaolo, and Donna Mcguire, and the exhibits annexed thereto, and the
memorandum of law submitted herewith, ^{AND NO PRIOR APPLICATION HAVING BEEN MADE, (mt)} it is hereby

ORDERED, that Defendants or their attorneys SHOW CAUSE before this Court, at
the Federal Court House, 300 Quarropas Street, White Plains, New York, 10601, Room
wcc ✓ 620, on the 28th day of September, 2007, at ^{11:45}~~10:00~~ a.m., or as soon thereafter as counsel
may be heard, WHY this Court should not issue a preliminary injunction requiring that
Defendants:



GIVEN
COPIES ~~MAILED~~ TO COUNSEL OF DEFENSE FOR II
9/14/07

(1) Immediately rescind each and every policy and/or practice which curtails or limits the number of available service providers to children in both the Early Intervention and Preschool programs;

(2) Immediately rescind each and every policy and/or practice by which defendants arbitrarily limit the number of ABA therapy hours they provide plaintiffs and those in the class they seek to represent;

(3) Immediately identify those class plaintiffs who have not been provided timely and/or adequate early intervention and/or preschool services - including speech, OT, PT, ABA, and other related services, and ordering defendants to immediately provide to the identified plaintiffs the appropriate early intervention and/or services guaranteed them by law;

(4) Immediately rescind each and every policy and/or practice by which defendants authorize the billing of participating families' insurance carriers for services provided to children in its Early Intervention and/or Preschool programs, such that families suffer a reduction of benefits and lack of coverage for services which may later be required;

(5) Immediately identify those class plaintiffs whose insurance companies defendants have billed causing a reduction or loss of benefits and/or the lack of coverage for future medical services;

(6) Immediately commence transporting plaintiff A.W., and any other similarly aggrieved class plaintiffs, to school by means of the shortest, safe bus route; and

(7) Granting such other and further relief as this Court may deem just and proper; and it is

FURTHER ORDERED, that service of this Order and the papers upon which it is based, on Lamb & Barnosky, LLP, attorneys for defendant, 534 Broadhollow Road, Suite 210, Melville, NY 11747, on or before September 18, 2007, shall constitute good and sufficient service and notice of the Order. ✓

DATED: White Plains, New York
September 14, 2007.

So Ordered:

William C. Conner
HON. WILLIAM C. CONNER